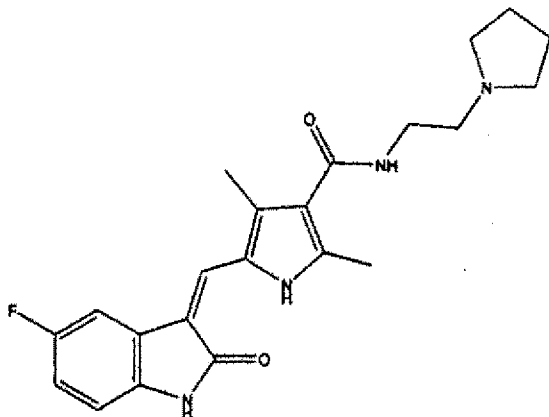


### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

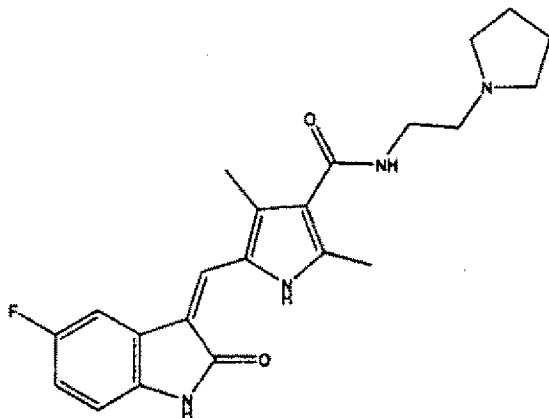
#### Listing of Claims:

1. (Currently amended) A polymorph form (polymorph II) of a compound of formula I:



wherein the polymorph form ~~is the polymorph II form~~ has a powder X-ray diffraction spectrum comprising peaks expressed in degrees ( $\pm 0.1$  degree) of two theta angle of 7.1, 13.9, 16.0, 20.9, and 24.7 obtained using  $\text{CuK}\alpha_1$  emission (wavelength = 1.5406 Angstroms).

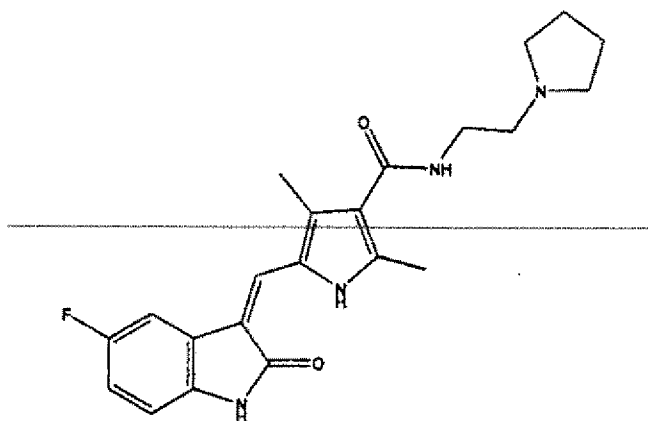
2. (Currently amended) A polymorph form (polymorph I) of a compound of formula I:



wherein the polymorph form ~~is the polymorph I form~~ has a powder X-ray diffraction spectrum comprising peaks expressed in degrees ( $\pm 0.1$  degree) of two theta angle of 5.0, 16.7, 18.9, 24.8, and 27.3 obtained using  $\text{CuK}\alpha_1$  emission (wavelength = 1.5406 Angstroms).

3.-4. (Canceled)

5. (Currently amended) A solid composition comprising the polymorph I of a compound of formula I:



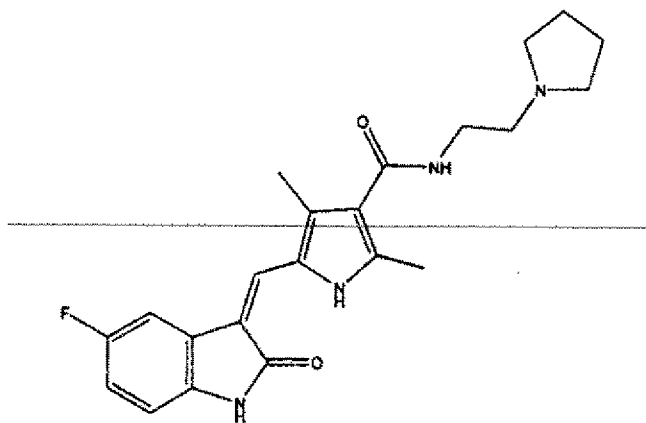
of claim 2, wherein said polymorph III comprises ~~more than about~~ at least 85 weight percent of the composition.

6. (Currently amended) The composition of claim 5, wherein said polymorph III comprises ~~more than about~~ at least 90 weight percent of the composition.

7. (Currently amended) The composition of claim 5, wherein said polymorph III comprises ~~more than about~~ at least 95 weight percent of the composition.

8. (Currently amended) The composition of claim 5, wherein said polymorph III comprises ~~more than about~~ at least 99 weight percent of the composition.

9. (Currently amended) A solid composition comprising the polymorph H of a compound of formula I:



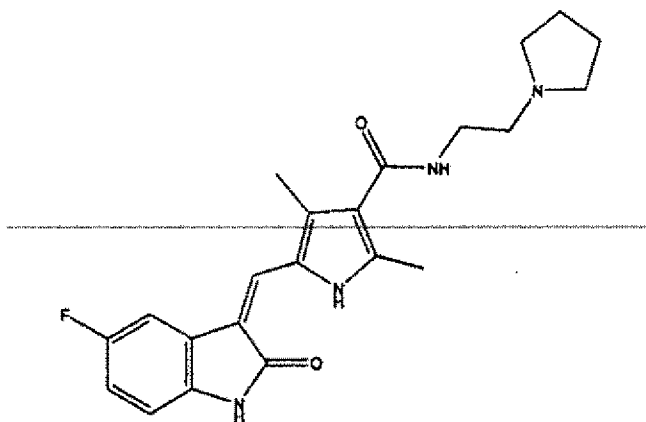
of claim 1, wherein said polymorph ~~comprises more than about at least~~ 85 weight percent of the composition.

10. (Currently amended) The composition of claim 9, wherein said polymorph ~~comprises more than about at least~~ 90 weight percent of the composition.

11. (Currently amended) The composition of claim 9, wherein said polymorph ~~comprises more than about at least~~ 95 weight percent of the composition.

12. (Currently amended) The composition of claim 9, wherein said polymorph ~~comprises more than about at least~~ 99 weight percent of the composition.

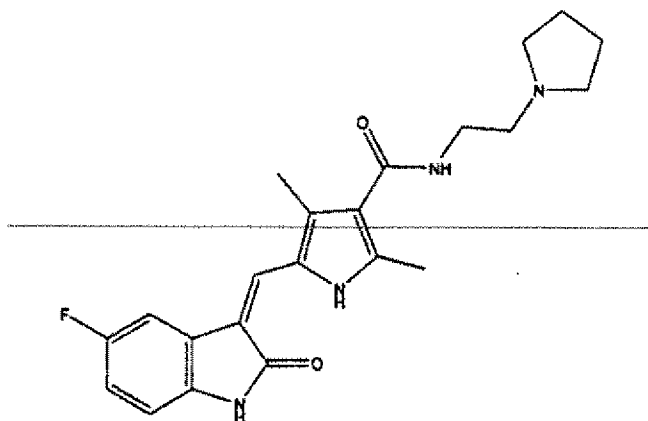
13. (Currently amended) A process for preparing the polymorph of claim 2, I-form of the compound of formula I:



wherein said polymorph is made by:

- (a) dissolving said compound of claim 2 in an acidic aqueous solution;
- (b) basifying said aqueous solution thereby precipitating the polymorph I form;
- and
- (c) isolating the precipitated polymorph I form of said compound.

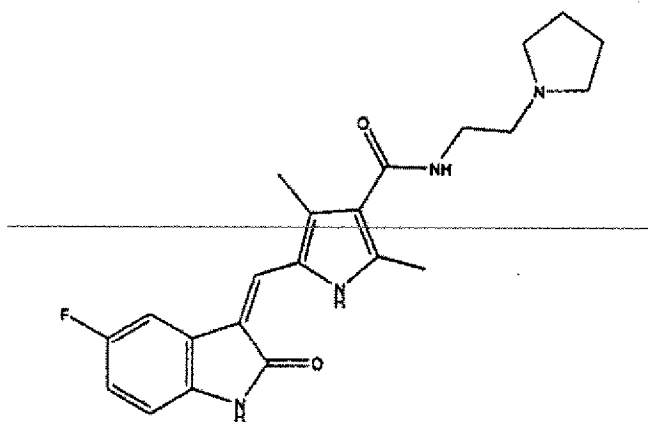
14. (Currently amended) A process for preparing the polymorph of claim 2, I-form of the compound of formula I:



wherein said polymorph is made by:

- (a) dissolving said compound of claim 2 in a polar organic solvent that does not form hydrogen bonds;
- (b) evaporating said polar organic solvent thereby precipitating the polymorph I form; and
- (c) isolating the precipitated polymorph I form of said compound.

15. (Currently amended) A process for preparing the polymorph of claim 1, II form of the compound of formula I:



wherein said polymorph is made by:

- (a) dissolving said compound of claim 1 in ~~is~~ a polar organic solvent that forms hydrogen bonds;
- (b) evaporating said polar organic solvent thereby precipitating the polymorph II form; and

- (c) isolating the precipitated polymorph II form of said compound.
16. (Currently amended) The ~~polymorph made by the process of claim 14~~, wherein said polar organic solvent that does not form hydrogen bonds is THF.
17. (Currently amended) The ~~polymorph made by the process of claim 15~~, wherein said polar organic solvent that forms hydrogen bonds is methanol.
18. (Original) A pharmaceutical composition, comprising a polymorph form of one of claims 1 or 2 and a pharmaceutically acceptable carrier or excipient.
19. (Withdrawn) A method for the modulation of the catalytic activity of a protein kinase comprising contacting said protein kinase with a polymorph form of one of claims 1 or 2.
20. (Withdrawn) The method of claim 19 wherein said protein kinase is selected from the group consisting of a receptor tyrosine kinase, a non-receptor tyrosine kinase and a serine-threonine kinase.
21. (Withdrawn) A method for treating or preventing a protein kinase related disorder in an organism comprising administering a therapeutically effective amount of a pharmaceutical composition comprising a polymorph form of one of claims 1 or 2 and, a pharmaceutically acceptable carrier or excipient to said organism.
22. (Withdrawn) The method of claim 21 wherein said protein kinase related disorder is selected from the group consisting of a receptor tyrosine kinase related disorder, a non-receptor tyrosine kinase related disorder and a serine-threonine kinase related disorder.
23. (Withdrawn) The method of claim 21 wherein said protein kinase related disorder is selected from the group consisting of an EGFR related disorder, a PDGFR related disorder, an IGFR related disorder, a c-kit related disorder, and a flk related disorder.
24. (Withdrawn) The method of claim 21 wherein said protein kinase related disorder is a cancer selected from the group consisting of leukemia, brain cancer, non-small cell lung cancer, squamous cell carcinoma, astrocytoma, Kaposi's sarcoma, glioblastoma, lung cancer, bladder cancer, head cancer, neck cancer, melanoma, ovarian cancer, prostate cancer, breast cancer, small-cell lung cancer, glioma, mastocytosis, mast cell tumor, colorectal cancer, genitourinary cancer and gastrointestinal stromal cancer.
25. (Withdrawn) The method of claim 21 wherein said protein kinase related disorder is selected from the group consisting of diabetes, an autoimmune disorder, a hyperproliferation

disorder, restenosis, fibrosis, psoriasis, von Heppel-Lindau disease, osteoarthritis, rheumatoid arthritis, angiogenesis, an inflammatory disorder, an immunological disorder and a cardiovascular disorder.

26. (Withdrawn) The method of claim 21 wherein said organism is a human.
27. (Withdrawn) A method of treating cancer in companion animals comprising administering a pharmaceutical composition, comprising a polymorph form of one of claims 1 or 2 and a pharmaceutically acceptable carrier or excipient.
28. (Withdrawn) The method of claim 27, wherein said companion animal is a cat or a dog.